

Patents, Industrial Designs and Trademarks Regulations 2004

GN No. 45 of 2004

Date in force: 6 January 2003

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

Regulations made by the Minister under section 53 of the Patents, Industrial Designs and Trademarks Act 2002

1. These regulations may be cited as the **Patents, Industrial Designs and Trademarks Regulations 2004**.
2. In these regulations -

"Act" means the Patents, Industrial Designs and **Trademarks Act 2002**.
3. The fees to be paid in respect of matters arising under the Act or these regulations shall be those specified in the First Schedule.
4. (1) Any person who wishes to obtain the grant of a patent or the registration of an industrial design or a mark shall make application in the form specified in the Second, Ninth or Fourteenth Schedule, as the case may be.

(2) The applicant shall fill all the parts and sections provided in the forms, and in accordance with such notes and instructions as may be provided by the Controller.
5. (1) Any application made under the Act or these regulations shall be in the English language, and any document forming part of the application or submitted to the Controller shall be accompanied by an English translation, where the document is in a language other than English.

- (2) A translation filed under paragraph (1) shall be deemed to be the original document and shall in case of conflict prevail over any other version.
6.
 - (1) The names of natural persons shall be indicated by the persons' family name and given name, the family name being indicated before the given name.
 - (2) The names of legal entities shall be indicated by their full official designations.
 - (3)
 - (a) An address shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units, including the house or building number, if any.
 - (b) An address shall also indicate telephone and fax numbers, and where available, the electronic mail address.
 - (4)
 - (a) The nationality shall be indicated by the name of the country of which a person is a national.
 - (b) (b) The residence shall be indicated by the name of the country of which a person is a resident.
 - (c) (c) A legal entity shall indicate the name of the country under whose laws it is constituted and the address of its registered office.
7. Where a person signs a document on behalf of a body corporate or unincorporate, the Controller may, if he deems it necessary, request evidence of authorisation to sign.
8.
 - (1) The Controller shall not act on a power of attorney designating an approved agent, unless the power of attorney -
 - (a) (a) complies with section 49 of the Act, and
 - (b) (b) is registered with the Registrar-General.

- (2) The power of attorney appointing an approved agent shall be filed together with the application under regulation 4(1), or where the power of attorney is not available at the time of filing the application, it shall be filed within 2 months of the filing date of the application.
- (3) Where the power of attorney is not filed within the period specified in paragraph (2), any procedural steps taken by the legal practitioner or the approved agent, other than the filing of the application, shall be deemed not to have been done.
- (4) Where, even if filed within the period of 2 months specified in paragraph (2), the power of attorney does not comply with section 49 of the Act, any procedural steps taken by the approved, agent, other than the filing of the application, shall be deemed not to have been done.

PART I-PATENTS

9. The classification of patents shall be in accordance with the Strasbourg Agreement of 1971 as subsequently revised (International Patent Classification), for all purposes relating to the grant and publication of patents, as well as for the maintenance of classified search files.
10.
 - (1) An application for a patent shall be in the form specified in the Second Schedule.
 - (2) All elements of the application attached to a prescribed form shall be on paper which shall be flexible, strong, white, smooth, non-shiny and durable.
 - (3) An application under paragraph (1) shall also -
 - (a) indicate each applicant's name, address, nationality and residence;
 - (b) indicate the name and address of the inventor or a statement showing the entitlement to the invention by the applicant;

- (c) indicate the name and address of the approved agent, where appropriate;
- (d) contain a description of the invention;
- (e) state the claims;
- (f) include any drawings that may be relevant for the purposes of the application and
- (g) contain an abstract of the invention.

(4) An application under paragraph (1) shall be accompanied by the appropriate fee specified in the First Schedule.

(5) No application shall be processed unless the application fee has been paid.

11. (1) The description of the invention shall state the title of the invention as appeared in the request and shall -

- (a) specify the technical field to which the invention relates;
- (b) indicate the background art and cite the relevant documents reflecting such art;
- (c) disclose the invention in such terms that it can be understood by a person having ordinary skill in the art and state its advantageous effects with reference to the background art;
- (d) mention any advantageous effects of the invention with reference to the background art;
- (e) where applicable, briefly describe the figures in the drawings;

- (f) set forth at least one mode contemplated by the applicant for carrying out the invention and, where appropriate, this shall be done in terms of examples and with reference to the drawings, if any; and
- (g) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable and the way in which it can be made and used, or where it can only be used, the way in which it can be used.

- (2) The manner and order specified in paragraph (1) shall be followed except where, because of the nature of the invention, a different manner or a different order would result in a better understanding and presentation of the invention.

12. (1) Where there are several claims, they shall be numbered consecutively in Arabic numerals.

(2) The claim shall define the invention in terms of the technical features of the invention.

- (3) (3) Whenever appropriate, a claim shall include –
 - (a) a statement indicating those technical features of the invention which are necessary for the definition of the invention but which, in combination, are part of the prior art; and
 - (b) a characterising portion preceded by the words "characterised in that", "characterised by", "wherein the improvement comprises", or any other words to the same effect and stating concisely the technical features which, in combination with the features stated under paragraph (a), the claim is desired to protect.

- (4) No claim shall rely, in respect of the technical features of the invention, on references or cross-references to any part of the description or drawings except where it is absolutely necessary to do so.

- (5) (a) Where the application contains drawings, the technical features mentioned in the claims shall, as far as possible, be followed by the reference signs relating to such features, and when used, the reference signs shall be placed between parentheses.
 - (b) Where inclusion of reference signs does not particularly facilitate better understanding of a claim, it should not be made.
 - (6) Any claim submitted after the filing date of the application and which is not identified with the claims previously appearing in the application shall, at the choice of the applicant, be submitted either as a new claim or as an amended claim, together with the appropriate fee specified in regulation 10(4) or 23.
 - (7) The deletion of any claim previously appearing in the application shall be made by indicating the number of the previous claim followed by the word "cancelled"
- 13.** (1) Any drawings forming part of an application for a patent shall be on writing sheets, the usable surface area of which shall not exceed 26.2 centimetres by 17 centimetres.
- (2) The sheets shall not contain any frame round the usable or used surface and the margins shall be -
- (a) 2.5 centimetres at the top;
 - (b) 2.5 centimetres on the left side;
 - (c) 1.5 centimetres on the right side; and
 - (d) 1.0 centimetre at the bottom.
- (3) A drawing shall be done -

- (a) without colouring, in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes to permit satisfactory reproduction;
- (b) indicating cross-sections by hatching and which hatching shall not impede the clear reading of the reference signs and leading lines;
- (c) in a scale and graphical representation, such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty;
- (d) with simple and clear numbers, letters and reference signs (brackets, circles and inverted commas shall not be used in association with numbers and letters);
- (e) such that the elements of the same figure are in proportion to each other, unless a difference in proportion is necessary for the clarity of the figure; and
- (f) such that the height of the numbers and letters are not less than 0.32 centimetre, and for the lettering of drawings, the Latin and, where customary, the Greek alphabet shall be used.

(4) Where the scale is given as an exception on a drawing, the scale shall be represented graphically.

- (5) (a) The same sheet of drawings may contain several figures.
- (b) Where figures drawn on 2 or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures.

- (c) The different figures shall be arranged without wasting space and clearly separated from one another.
 - (d) The different figures shall be numbered consecutively in Arabic numerals independently of the numbering of the sheets.
 - (6) (a) A reference sign not mentioned in the description or claims shall not appear in the drawings, and vice versa.
 - (b) The same features, when denoted by reference signs, shall throughout the application be denoted by the same signs.
 - (7) (a) Subject to paragraphs (b) and (c), the drawings shall not contain textual matter.
 - (b) A single word such as "water", "steam", "open", "closed" or words such as "section on AA" may be used in a drawing.
 - (c) In the case of electric circuits, block schematic or flow sheet diagrams, a few short catchwords may be used.
 - (8) Flow sheets and diagrams shall be considered as drawings.
 - (9) All sheets of the drawings shall be numbered in Arabic numerals.
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- 14.** (1) An abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art.
- (2) (a) The abstract shall consist of –
 - (i) a summary of the disclosure as contained in the description, the claims, and any drawings, indicating the technical field to which the invention pertains; and

- (ii) where applicable, the chemical formula which, among all the formulae contained in the application, best characterises the invention.
 - (b) The summary shall be so drafted as to enable the clear understanding of the technical problem, the gist of the solution to that problem through the invention and the principal use or uses of the invention.
- (3) The abstract shall-
- (a) be as concise as the disclosure permits and shall, as far as practicable, not exceed 150 words; and
 - (b) not contain statements on the alleged merits or value of the invention or on its speculative application.
- (4) Every main technical feature mentioned in the abstract and illustrated by a drawing in the application shall be followed by a reference sign placed between parentheses.
- (5) The abstract shall be accompanied by the most illustrative of any drawings furnished by the applicant.
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- 15.**
- (1) The terminology and the signs shall be consistent throughout the application.
 - (2) Only such technical terms, signs and symbols shall be used as are generally accepted in the field in question, unless otherwise approved by the Controller.
 - (3) Units of weights and measures shall be expressed in accordance with the metric system.
 - (4) Temperatures shall be expressed in degrees centigrade (Celsius).
 - (5) Density shall be expressed in metric units.

- (6) Indications of heat, energy, light, sound and magnetism, including mathematical formulae and electrical units, shall be expressed by using rules of general use.
 - (7) Chemical formulae, their symbols, atomic weights, and molecular formulae, shall be expressed by using rules of general use.
- 16.**
- (1) Any statement or document accompanying an application shall be filed in 3 copies, or in such number of copies as the Controller may direct.
 - (2) All elements of the application shall be presented in such manner as to allow direct reproduction by photography, electrostatic processes, photo-offset, microfilming or digital reproduction.
 - (3) Only one side of each sheet contained in the application shall be used.
 - (4) The size of the sheets shall be A4 (29.7 centimetres by 21 centimetres), except where appropriate, the Controller may accept sheets of other sizes.
 - (5) The margins of sheets shall be -
 - (a) for the upper margin of each page, except the first page, 20 millimetres;
 - (b) for the upper margin of the first page, 30 millimetres;
 - (c) for the side margin adjacent to the binding, 25 millimetres;
 - (d) for the other side margin, 20 millimetres; and
 - (e) for the bottom margin, 20 millimetres.
 - (6) All sheets shall be numbered at the top of the sheet, in the middle and in consecutive Arabic numerals.

- (7) In effecting the sequential numbering of the sheets, the elements of the application shall be placed in the following order-
 - (a) the request;
 - (b) the description;
 - (c) the claims;
 - (d) the abstract; and
 - (e) the drawings.

 - (8) The sequential numbering of the sheets shall be effected by using 3 separate series of numbering, namely -
 - (a) the first series applying to the request only and commencing with the first sheet of the request;
 - (b) the second series commencing with the first sheet of the description and continuing through the claims until the last sheet of the abstract; and
 - (c) the third series being applicable to the sheets of the drawings only and commencing with the first sheet of the drawings.

 - (9) The text matter of the application shall be typed but graphic symbols, chemical or mathematical formulae and certain characters may be handwritten or drawn.
- 17.** An application made under section 15 of the Act shall be construed as permitting -
- (a) in relation to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the product or for the use of the product;

- (b) in relation to an independent claim for a given process, the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the said process;
- (c) the inclusion in the same application of 2 or more independent claims of the same category which cannot readily be covered by a single generic claim;
- (d) the inclusion in the same application of a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim.

18. (1) A divisional application made under section 15(4) of the Act shall contain a reference to the initial application.

(2) Where an applicant wishes a divisional application to benefit from any priority claim for the initial application, he shall make a request to that effect in the divisional application.

(3) Where a request under paragraph (2) is made, the declaration of priority and the documents furnished with the initial application shall be deemed to relate also to the divisional application.

(4) Where priority for 2 or more earlier applications are claimed for the initial application, a divisional application shall benefit only from the priority that is applicable to it.

19. (1) Where an applicant wishes to avail himself of the exception set out in section 12(4) of the Act for prior art purposes, he shall so indicate on the application form specified in the Second Schedule and shall furnish in writing, together with the application or, within one month of filing the application, full particulars of the disclosure.

- (2) Where the disclosure was made at an exhibition, the applicant shall also file a duly authenticated certificate issued by the authority or person responsible for the exhibition.
 - (3) A certificate under paragraph (2) shall contain particulars of the exhibition together with a statement to the effect that the invention was in fact exhibited there.
- 20.**
- (1) A declaration claiming priority under section 16 of the Act shall be made at the time of filing the application for the patent and shall indicate -
 - (a) the date of filing of the earlier application;
 - (b) the reference number of the earlier application;
 - (c) the symbol of the International Patent Classification which has been allocated to the earlier application;
 - (d) the country in which the earlier application was filed or, where the earlier application is a regional or an international application, the country or countries for which it was filed; and
 - (e) where the earlier application is a regional or an international application, the national industrial property office of the country with which it was filed.
 - (2) Where at the time of filing the priority declaration the reference number of the earlier application is unknown, the reference number shall be furnished not later than 16 months after the priority date.
 - (3) Where a symbol of the International Patent Classification has not been allocated to the earlier application or had not yet been allocated at the time of filing the priority declaration, the applicant shall state this fact in the declaration and he shall communicate such symbol as soon as it is allocated.

(4) The applicant may, at any time before the grant of the patent, amend the contents of the priority declaration.

(5) (a) Subject to paragraph (b), where an earlier application is referred to in a priority application, the applicant shall furnish a certified copy of the earlier application within 3 months from the written request by the Controller.

(b) Where a copy of the earlier application has already been furnished in relation to another application, the applicant shall inform the Controller in writing by giving the reference number of the other application.

(c) Where the earlier application is in a language other than English, the applicant shall, within 6 months from the date of the request, furnish an English translation of the earlier application.

(d) Unless the Controller otherwise requests, the certified copy of the earlier application and any translation thereof shall be filed in one copy.

21. (1) Subject to paragraph (2), a request by the Controller to furnish information under section 17 of the Act shall be complied with by the applicant within a period of 3 months of the request.

(2) The Controller may, on good cause shown by the applicant, extend the specified period of 3 months for such other period of time as the Controller thinks fit.

22. (1) An application shall be withdrawn by a declaration made in the form specified in the Third Schedule.

(2) An application under paragraph (1) shall be subject to the payment of the appropriate fee specified in the First Schedule.

23. Any amendment pursuant to section 15(2) of the Act shall be made in the form specified in the Fourth Schedule, together with the payment of the appropriate fee specified in the First Schedule.

24. (1) The Controller shall, on receipt of an application for a patent, mark on each document making up the application, the actual date of receipt and the application number as per the following format "MU/P/X/Y", where "X" is the last 2 numbers of the year in which the initial documents were received and "Y" is a five-digit number allotted in the sequential order in which applications for registration are received.

(2) Where any correction or other documents to be filed are received on different dates, the Controller shall mark their actual date of receipt in the appropriate place of the application for a patent.

(3) The application number allotted under paragraph (1) shall be quoted in all subsequent correspondence concerning the application.

25. (1) The Controller shall examine whether the application complies with section 18 of the Act.

(2) Where the Controller considers that section 18 of the Act has not been complied with, or that the applicant has failed to include the required drawings, the Controller shall request the applicant to make the necessary corrections or to furnish the missing documents, as appropriate.

(3) A request under paragraph (2) shall -

(a) (a) be in the form specified in the Fifth Schedule;

(b) (b) specify the correction to be made or the filing of any missing drawing;

(c) (c) state the fees to be paid, if any; and

- (d) state the delay within which the corrections are to be effected or the missing documents are to be furnished.
- (4) Where no correction is made or no document is furnished within the delay specified in paragraph (3)(d), the application shall be deemed not to have been filed.
- (5) (1) Subject to paragraph (2), the Controller shall notify the applicant, in writing, of the filing date as soon as he is satisfied that section 18 of the Act has been complied with.

(2) Where the Controller refuses to accord a filing date to an application, he shall notify the applicant, in writing, specifying the reasons for his decision.
- 26.** (1) Where a filing date to an application has been given by the Controller, he shall examine the application pursuant to section 19 of the Act.

(2) Where the Controller is satisfied that the conditions set down in section 19(1) of the Act have been complied with, he shall grant the patent and the applicant shall be so notified in writing.

(3) Where 2 or more applications for a patent for the same invention, having the same filing date or, where applicable, the same priority date, are filed by the same applicant, the Controller may refuse to grant a patent in respect of more than one applications.

(4) Where the Controller refuses to grant a patent in respect of more than one applications under paragraph (3), he shall notify the applicant in writing, specifying the reasons for the decision.

(5) Where the Controller rejects an application under section 20(2) of the Act, he shall notify the applicant in writing, specifying the reasons for his decision.

(6) A refusal of an application for a patent shall not affect its filing date which shall remain valid.

27. (1) (a) Where the Controller has granted a patent, he shall allocate to it a number in the sequential order of grant, which shall be referred to as the publication number of the patent.

(b) The particulars of a patent shall be recorded in the form specified in the Sixth Schedule and shall contain, in addition to the information indicated in paragraph (2), the date of publication of the patent, the documents or references cited of the prior art, the description, the claims and the drawings, if any.

(c) The patent shall be deemed to be granted on the date the Controller publishes a reference to the grant.

(2) The publication of the reference to the grant of the patent shall include -

(a) the publication number of the patent;

(b) the name and address of the owner of the

(c) the name and address of the inventor, except where he has asked not to be named in the patent;

(d) the name and address of the approved agent, if any;

(e) the filing date;

(f) where priority has been claimed and the claim has been accepted, a statement of the priority, the priority date and the name of the country or countries in which or for which the earlier application was filed;

- (g) (g) the effective date of the grant of the patent;
- (h) (h) the title of invention;
- (i) (i) the abstract;
- (j) the most illustrative of the drawings, if any; and
- (k) the symbol of the International Patent Classification.

(3) The certificate granting the patent shall be issued in the form specified in the Seventh Schedule.

(4) A certificate granted under paragraph (3) shall contain -

- (a) the number of the patent;
- (b) the name and address of the owner of the patent;
- (c) the filing date and, where applicable, the priority date of the application;
- (d) the effective date of the grant of the patent; and
- (e) the title of invention.

(5) Any person may obtain a copy of the patent on payment of the appropriate fee specified in the First Schedule.

28. (1) Any request for a change in the texts or drawings of a patent shall be made in the form specified in the Eighth Schedule.

(2) The Controller shall effect the changes in the text or drawings of the patent, on receipt of a request under paragraph (1).

(3) A request under paragraph (1) shall be accompanied by the appropriate fee specified in the First Schedule.

29. (1) The Competent authority shall, before taking a decision under section 23 of the Act, consult the Controller and give the owner of the patent and any other interested persons whose participation the Competent authority considers necessary, not less than 21 days written notice to make such written representations as they think fit.

(2) The Competent authority may grant a hearing to the owner of the patent and any interested person, where it is of the view that such a course of action will facilitate its decision.

(3) Where the Competent authority decides that the invention shall be exploited by a Government agency or a third person, it shall state the terms and conditions of exploitation and transmit its decision to the Controller.

(4) The Controller shall record, publish and notify in writing the owner of the patent and any interested person of the decision of the Competent authority.

(5) Where the decision of the Competent authority has been reviewed by the Supreme Court, the decision of the Court shall be recorded and published by the Controller.

30. (1) Subject to payment of the appropriate fee specified in the First Schedule, a request for a licence made under section 24(1) of the Act shall specify -

(a) the grounds and the evidence upon which the request is based;

(b) the name of the person and address against whom the request is made;

and

(c) the name and address of the patent holder.

- (2) The Controller shall, on receipt of the request -
 - (a) immediately notify the owner of the patent and the person against whom the request is directed; and
 - (b) ask the owner of the patent and the person against whom the request is directed, for their views which shall reach the Controller within 21 days of the date of the notification.
 - (3) The Controller shall hold a hearing within a period of 3 months of the expiry of the 21 days referred to in paragraph (2)(b).
 - (4) The owner of the patent and the person against whom the request is directed, or any interested parties shall comply with such directives as may be issued by the Controller as regards the conduct of the hearing.
 - (5) The Controller may, before granting a non-voluntary licence, consult such person or authority as he thinks fit.
 - (6) Where the Controller grants a non-voluntary licence, he shall state the terms of exploitation and transmit the decision to grant such licence to the interested parties.
 - (7) A decision under paragraph (6) shall be recorded and published by the Controller.
 - (8) Where the decision of the Controller to grant a licence under paragraph (6) is subject to an appeal, he shall record and publish the decision once it becomes final.
- 31.** (1) The Controller shall maintain a patent application and a patent on payment of the appropriate annual maintenance fee specified in the First Schedule.

- (2) The Controller shall, on payment of the fee, furnish or send to the applicant or to the owner of the patent, a receipt acknowledging payment.
 - (3) The annual maintenance fee shall be paid not less than 2 weeks before the expiry of the yearly period.
 - (4) Where the annual maintenance fee has not been paid within the period specified in paragraph (3), the application for the registration of the patent shall be deemed to have been withdrawn and the patent shall lapse.
 - (5) The Controller shall record and publish a notification of the lapse of a patent.
- 32.** On being notified of the final decision of the Tribunal under section 25(4) of the Act, the Controller shall, within one month of the notification, cause a reference to the decision to be published.

PART II - INDUSTRIAL DESIGNS

- 33.** The Controller shall apply the latest version of the Locarno Agreement of 1968, establishing an International Classification for Industrial Designs, for the registration and publication of industrial designs.
- 34.** (1) The application for the registration of an industrial design shall be -
- (a) made in the form specified in the Ninth Schedule;
 - (b) accompanied by the appropriate fee specified in the First Schedule; and
 - (c) signed by the applicant or by all applicants, where it is a joint application.
- (2) Regulation 19 shall apply mutatis mutandis to an application for registration of an industrial design

35. (1) An application for the registration of an industrial design filed with the Controller shall

- (a) contain 4 copies of the necessary drawings, photographs or graphic representations of each of the different sides of the design
- (b) contain an indication of the article which constitute the industrial design or in relation to which the industrial design is to be used; and
- (c) be accompanied by a specimen which shall not exceed 20 centimetres by 20 centimetres by 20 centimetres in size

(2) (a) No graphic representation, drawing or tracing of the industrial design shall exceed 10 centimetres by 20 centimetres.

(b) The representations, drawings or tracings, shall be affixed on 4 sheets of cardboard of A4 size.

(d) (d) The drawings and tracings shall be in black ink.

36. (1) A declaration claiming priority under section 30(3) of the Act, shall be made at the time of the filing of the application for the registration of the industrial design.

(2) A declaration under paragraph (1) shall indicate -

- (a) the date of filing of the earlier application;
- (b) the reference number of the earlier application; and
- (c) the country in which the earlier application was filed, or where the earlier application is a regional or an international application, the industrial property office with which it was filed.

- (3) Where at the time of the filing of the declaration, the reference number of the earlier application is not known, the number shall be furnished within 2 months from the date on which the application was filed.
 - (4) The applicant may, at any time before the registration of the industrial design, amend the contents of the declaration made under paragraph (1).
 - (5) Where the applicant has made a declaration under paragraph (1), he shall furnish a certified copy of the earlier application within a period of 3 months from the date of such a request by the Controller, and where a copy has already been furnished for another application, the applicant may so inform the Controller by making a reference to that other application.
 - (6) Where the earlier application is in a language other than English, the applicant shall, within 6 months from the date of the request, furnish an English translation of the earlier application.
- 37.**
- (1) The Controller shall, on receipt of an application for the registration of an industrial design, mark on each document making up the application, the actual date of receipt and the application number in the following format, "MU/D/XN", where "X" is the last 2 numbers of the year in which the initial documents were received, and "Y" is a five-digit number allotted in the sequential order in which applications are received.
 - (2) Where any correction to be made or other documents to be filed are received on different dates, the Controller shall mark their actual date of receipt in the appropriate place on the application for the registration of an industrial design.
 - (3) The application number allotted under paragraph (1) shall be quoted in all subsequent correspondence in respect of the application.

- 38.** A withdrawal of an application for the registration of an industrial design shall be made to the Controller in the form specified in the Tenth Schedule, and shall be signed by all applicants.
- 39.** (1) Where the requirements in section 30(1) of the Act have not been complied with, the Controller shall request the applicant to submit the appropriate corrections.
- (2) (2) A request under paragraph (1) shall specify-
- (a) (a) the corrections to be made;
- (b) (b) any fees to be paid; and
- (c) the delay within which the corrections are to be effected.
- (3) Where the applicant fails to comply with paragraph (2)(c), the application shall be deemed not to have been filed.
- (4) Where any correction submitted by the applicant pursuant to paragraph (2) does not comply with section 30(1) of the Act, the Controller shall refuse the application and he shall notify the applicant, in writing, stating the reasons for his refusal.
- (5) The refusal of an application for the registration of an industrial design shall not affect its filing date which shall remain valid.
- (6) The Controller shall notify the applicant in writing of the filing date where he is satisfied that section 31(1) of the Act has been complied with.
- (7) (7) The Controller shall
- (a) (a) notify the applicant, in writing, of his decision to grant or to refuse an application for the registration of an industrial design; and

- (b) where the application has been granted, request the applicant to pay the registration fee specified in the First Schedule, within one month from the date of the request.
 - (8) Where the applicant fails to pay the registration fee within the specified period of one month, the application shall be deemed not to have been granted and no certificate of registration shall be issued.
- 40.** (1) The Controller shall allot to each industrial design he registers a number in the sequential order of registration and he shall publish a reference to the registration.
- (2) The reference shall include a representation of the industrial design and shall specify the -
- (a) (a) number of the industrial design;
 - (b) (b) name and address of the registered owner;
 - (c) (c) name and address of the approved agent, if any;
 - (d) (d) name and address of the creator, except where he has asked not to be named in the registration;
 - (e) priority date and State or States in which or for which the earlier application was filed, where the priority has been claimed and the claim has been accepted; and
 - (f) type of products *for* which the industrial design is to be used. .
- (3) The certificate of registration of an industrial design shall be issued in the form specified in the Eleventh Schedule and shall be subject to payment of the appropriate fee specified in the First Schedule.

- 41.** (1) An application for renewal of the registration of an industrial design shall be made within the 6 months period preceding the expiry of the registration in the form specified in the Twelfth Schedule.
- (2) An application under paragraph (1) shall be-
- (a) signed by the registered owner or his agent; and
 - (b) accompanied by the renewal fee specified in the First Schedule.
- (3) The Controller may allow a further period of 3 months, as from the date of expiry of the registration for the renewal of the industrial design, subject to the payment of the surcharge specified in the First Schedule.
- (4) Where a registered owner fails to pay the renewal fee and the surcharge, where applicable, the registration of the industrial design shall not be renewed and the registration shall be removed from the register as from the last expiry date of the registration.
- (5) The renewal of the registration of an industrial design shall be recorded in the registers and shall be published.
- (6) The Controller shall issue to the registered owner a certificate of renewal in the form specified in the Thirteenth Schedule and the certificate shall contain the -
- (a) registration number of the industrial design;
 - (b) date of renewal and the date of expiry of the registration;
 - (c) name and address of the registered owner; and
 - (d) kind of products for which the industrial design has been registered.

- (5) Where the Controller considers that any reproduction of a mark is unsuitable for the purposes of the registration of the mark, he may, at any time, require a suitable reproduction to be submitted.
- (6) Where a drawing or a reproduction cannot be given in the manner provided for in this regulation, a specimen or copy *of* the mark may be sent either in full size or on a reduced scale or in such form as the Controller may approve.
- 45.** Where a mark consists of or contains a word or words in characters other than Roman, the application and the additional reproductions of the mark shall be accompanied by a transliteration and translation of each of such words, and stating the language to which each word belongs, unless the Controller otherwise directs.
- 46.** (1) A declaration claiming priority under section 37(3) *of* the Act shall be made at the time of the filing of the application for the registration *of* a mark and the declaration shall specify -
- (a) (a) the date of filing of the earlier application;
 - (b) (b) the number of the earlier application; and
 - (c) the country in which the earlier application was filed or, where the earlier application is a regional or an international application, the industrial property office with which it was filed and the country or countries for which it was filed.
- (2) Where a declaration has been made under paragraph (1), the Controller may request the applicant to furnish a certified copy of the earlier application within a period of 3 months of the date of the request.
- (3) (a) Where at the time of filing the declaration referred to in paragraph (1), the number of any earlier application is not known, the number shall be furnished within 3 months from the date on which the application containing the declaration was filed.

- (b) The Controller may, on a request by the applicant and on good cause shown by the applicant, extend the time limit of 3 months specified in paragraph (3)(a).
 - (4) Where the priorities of 2 or more earlier applications are claimed under paragraph (1), the particulars relating to the earlier applications may be included in a single declaration.
 - (5) An applicant may, at any time before the registration of the mark, amend the contents of the declaration.
- 47.**
- (1) Subject to paragraph (2), an application for the registration of a mark may be withdrawn at any time before its registration.
 - (2) An application under paragraph (1) shall be-
 - (a) made in the form specified in the Fifteenth Schedule; and
 - (b) subject to the payment of the appropriate fee specified in the First Schedule.
-
- 48.**
- (1) The Controller shall, on receipt of an application under regulation 43, mark on each document making up the application the actual date of receipt and the application number in the following format, "MU/M/X/Y", where "X" is the last 2 numbers of the year in which the initial documents were received and "Y" is a five-digit number allotted in the sequential order in which applications are received.
 - (2) Where any correction or other document to be filed, are received on different dates, the Controller shall mark their actual date of receipt in the appropriate place of the request for the registration of a mark.

- (3) The application number allotted under paragraph (1) shall be quoted in all subsequent correspondence in respect of the application.
 - (4) The filing date of an application for the registration of a mark shall be the date on which all the following information is received -
 - (a) the name of the applicant;
 - (b) the address to which communications are to be directed;
 - (c) a reproduction of the mark;
 - (d) a specification of goods or services; and
 - (e) the application fee as specified in the First Schedule.
 - (5) No application made under regulation 43 shall be processed, unless accompanied by the application fee.
 - (6) The Controller shall notify the applicant in writing of the filing date.
- 49**
- (1) Where on examination of the application for registration of a mark, the Controller considers that the application is incomplete or defective in a material particular, he shall request the applicant in writing, to make such corrections as he thinks fit and within a period which shall not exceed 3 months.
 - (2) Where the applicant fails to submit the necessary correction in writing, within the specified period mentioned in paragraph (1), the application shall be deemed to have been withdrawn.
- 50.** The Controller may refuse an application if the corrections requested under regulation 49 are not to his satisfaction and the applicant shall be informed accordingly.

51. Where the Controller is satisfied that an application under regulation 43 complies with section 38(1) of the Act and accepts the application or accepts it subject to any conditions or limitations to which the applicant does not object, the Controller shall publish the application setting out -

- (a) the filing date and, where applicable, the priority date;
- (b) the representation of the mark;
- (c) (c) an indication of the corresponding class or classes of the –
 - (i) goods;
 - (ii) services; or
 - (iii) goods and services;as appropriate, of the International Classification;
- (d) the name and address of the applicant; and
- (e) the name and address of the approved agent, if any.

52. (1) Any person may within a period of 3 months from the date of publication of an application for the registration of a mark lodge an opposition to its registration with the Controller by way of notice.

(2) A notice under paragraph (1) shall-

- (a) state the grounds of opposition; and
- (b) be accompanied by such evidence in support of the opposition, where appropriate.

- (3) (a) On receipt of a notice of opposition, the Controller shall, as soon as possible, send the applicant a copy of the notice together with such evidence in support as has been provided by the person opposing the application.
 - (b) The applicant shall have 3 months from the date of receipt of the notice to serve a counter-statement to the Controller and the opposing party.
 - (4) The counter-statement shall state the grounds on which the applicant relies for his application and shall be accompanied by such supporting evidence as appropriate.
 - (5) The Controller may, on receipt of the counter-statement, and where he considers that a hearing is required, fix a date for the hearing which shall not be later than 3 months after the receipt of the counter-statement.
 - (6) A party represented at the hearing shall comply with such directions as may be given by the Controller.
- 53.** (1) Where section 38 of the Act has been complied with by the applicant, and either -
- (a) the registration of the mark has not been opposed; or
 - (b) where the registration of the mark has been opposed, and the opposition has been decided in the favour of the applicant, the Controller shall register the mark, publish a reference to the registration and issue to the applicant a certificate of registration in the form specified in the Sixteenth Schedule.
- (2) The registration of each mark shall be allotted a number in the sequential order of registration.
- (3) (3) The registration of a mark shall include –

- (a) (a) a representation of the mark;
- (b) (b) the number of the mark;
- (c) (c) the name and address of the registered owner;
- (d) (d) the name and address of the approved agent, if
- (e) the filing and registration date;
- (f) the country or countries in which or for which the earlier application was filed, where priority has been claimed and the claim has been accepted; and
- (g) the list of goods or services in respect of which the registration of the mark had been made with an indication of the corresponding class or classes of the International Classification.

- (4) The publication of the reference to the registration of a mark under paragraph (1) shall contain the particulars specified in paragraph (3) (a) to (f) and an indication of the corresponding class or classes of goods or services of the International Classification.

54. (1) An application for renewal of the registration of a mark shall be made during the period of 6 months preceding the expiry of the registration in the form specified in the Seventeenth Schedule.

- (2) An application under paragraph (1) shall be-

- (a) signed by the registered owner or agent; and
- (b) accompanied by the renewal fee specified in the First Schedule.

- (3) The Controller may allow a further period of 3 months, as from the date of expiry of the mark, for the renewal of the registration of a mark, subject to the payment of a surcharge fee specified in the First Schedule.
 - (4) Subject to paragraph (5), where a registered owner fails to pay the renewal fee and the surcharge fee, where applicable, the registration of the mark shall not be renewed and the registration of the mark shall be removed from the Register as from the last expiry date of the registration of the mark.
 - (5) Where a mark has been removed from the register for non-payment of the renewal fee, it shall, for the purpose of an application for the registration of a mark, within one year from the date of expiration of the last registration, be deemed to be a mark which is already on the register, unless the Controller is satisfied that -
 - (a) there has been no bona fide use of the mark which has been removed, during 3 years immediately preceding its removal; or
 - (b) no deception or confusion is likely to arise from the use of the mark which is the subject matter of the application for registration, by reason of any previous use of the mark which has been removed.
 - (6) The renewal of the registration of a mark shall be recorded in the register and shall be published by the Controller.
 - (7) Where the Controller renews the registration of a mark, he shall issue to the registered owner a certificate of renewal in the form specified in the Eighteenth Schedule.
- 55.** (1) Regulations 42 to 54 shall apply mutatis mutandis to collective marks with such modifications as appropriate and subject to the following -

- (a) an application for registration of a collective mark shall not be accepted unless the mark is designated as a collective mark and the application is accompanied by a copy of the regulations governing the use of the mark, duly certified by the applicant;
 - (b) the regulations governing the use of the collective mark defining the common characteristics or quality of the goods or services which the collective mark designate, the conditions under which it may be used and the persons who may use it, shall be provided with the application; and
 - (c) the regulations providing for the exercise of effective control of the use of the mark in compliance with those regulations and determining sanctions for any use contrary to the said regulations, shall be provided with the application.
 - (2)
 - (a) The registered owner of a collective mark shall forthwith notify the Controller, in writing, of changes effected in the regulations governing the use of the mark
 - (b) All notifications under paragraph (a) shall be recorded in the register, and changes to the regulations shall have no effect until they are recorded.
 - (3) The registered owner of a collective mark may use the mark himself, provided it is also used by other -authorised persons in accordance with the regulations governing such use and the use by such persons shall be deemed to be used by the registered owner.
- 56.** Subject to an appeal under section 50 of the Act, where the Tribunal decides that the mark shall be taken off the register in respect of any of the goods or services for which it is registered, the Controller shall, to that extent, remove the mark from the register.
- 57.** (1) A request under section 43 of the Act to remove a mark on grounds of non-use shall be accompanied by a
statement setting out fully the facts on which the request is made.

(2) The removal of a mark from the register on the grounds of non-use shall be published by the Controller.

PART IV-MISCELLANEOUS

58. Any correspondence or notice required to be effected or served on the applicant by the Controller shall be deemed to have been properly effected or served, if the correspondence or notice has been posted by registered mail to -

(a) the address in Mauritius as disclosed in the application forms; or

(b) the address of the authorised agent or legal practitioner representing the applicant.

59. (1) An application under section 47 of the Act shall be accompanied by such document and evidence as may be appropriate.

(2) The Controller may, on receipt of an application under paragraph (1), request the applicant to furnish such additional information as may be required.

(3) A publication under section 47(2) of the Act shall specify -

(a) the title of protection concerned;

(b) the filing date, the priority date, if any, and the date of registration or grant;

(c) the owner and the new owner, where applicable; and

(d) the nature of the change.

- 60.** Where the last day for doing any act or taking any proceeding falls on a day when the Industrial Property Office is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the Office is next open for business.
- 61.** (1) Consultation of the registers shall be subject to the payment of the appropriate fee specified in the First Schedule.
- (2) Requests for certified copies of extracts from a register or for copies of documents shall be made in writing to the Controller, and shall be subject to the payment of the appropriate fee specified in the First Schedule.
- 62.** (1) Where the Controller has effected a correction, under section 7 of the Act, to a translation or transcription or has corrected a clerical error or mistake, in any application or document filed, he shall communicate such corrections to such interested parties as he may deem necessary.
- (2) The Controller may at his discretion also publish the corrections.
- 63.** (1) Any notice, application or other document sent to the Controller by mail shall be deemed to have been given, made or filed at the time when it would be delivered in the course of the mail.
- (2) In proving such sending, it shall be sufficient to prove that the letter containing such notice, application or other document was properly addressed and sent by registered mail.
- (3) Paragraph (1) shall not apply to the accordance of the filing date.
- 64.** Particulars of patents, industrial designs, marks, collective marks, proceedings and any other information required to be published under the Act or these regulations shall be published, in accordance with the directions of the Controller, in the Gazette.
- 65.** The following enactments are revoked -

- (a) the Patents (Fees) Regulations 1980;
- (b) the Patent (Inspection Fees) Regulation 1983; and
- (c) the Trade Mark (Fees) Regulation 1985.

66. These regulations shall be deemed to have come into operation on **6 January 2003**.

Made by the Minister on 30 March 2004.

FIRST SCHEDULE

(regulation 3)

FEES

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

Regulation	PATENTS	Fees Rs
10(4)	Application for grant of patent	3,000
22(2)	Withdrawal of application	NIL
23	Amendment of application	NIL
25	Correction of errors	NIL
27(5)	Making copies of patent	100/Page
28(3)	Request for change in patent	2,000
30(1)	Request for the issuance of non-voluntary licence	25,000
31(1)	Annual Maintenance Fee	
	1 st Anniversary	NIL
“	2 nd Anniversary	NIL
“	3 rd Anniversary	1,000
“	4 th Anniversary	1,000
“	5 th Anniversary	5,000

“	6 th Anniversary	5,000
“	7 th Anniversary	5,000
“	8 th Anniversary	5,000
“	9 th Anniversary	5,000
“	10 th Anniversary	15,000
“	11 th Anniversary	15,000
“	12 th Anniversary	15,000
“	13 th Anniversary	15,000
“	14 th Anniversary	15,000
“	15 th Anniversary	25,000
“	16 th Anniversary	25,000
“	17 th Anniversary	25,000
“	18 th Anniversary	25,000
“	19 th Anniversary	25,000

Regulation	INDUSTRIAL DESIGNS	Fees Rs
34(1)	Application for registration of industrial designs	2,000
38	Withdrawal of application	NIL
40(3)	Registration of Industrial designs	4,000
41(1)	First renewal fee	4,000
41(1)	Second renewal fee	5,000
41(3)	Surcharge	1,500

Regulation	MARKS	Fees Rs
43(1)	Application for registration: (a) (a) any two classes (b) (b) each additional class	2,000 1,000
47(2)	Withdrawal of application	NIL

54(2)	Renewal fee for the registration of marks: (a) (a) any class (b) (b) each additional class	2,000 1,000
54(3)	Surcharge for late payment of Renewal fee	700
61(1)	Consultation of registers	200
61(2)	Making copies of documents	100/page

SECOND SCHEDULE

(regulation 10)

THE INDUSTRIAL PROPERTY OFFICE REPUBLIC OF MAURITIUS

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

APPLICATION FOR GRANT OF A PATENT

To: The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade & Cooperation
Port Louis

Please submit this Form (in triplicate) together with the appropriate fee.

Applicant's or Agent's File reference:.....

THE APPLICANT(S) REQUEST(S) THE GRANT OF A PATENT IN RESPECT OF THE FOLLOWING PARTICULARS:

1. Title of invention

.....
.....
.....
.....

2. DATA CONCERNING APPLICANT/S

FULL NAME OF EACH APPLICANT (underline surnames)	ADDRESS/ TELEPHONE/ FAX/E-MAIL	NATIONALITY	RESIDENCE

If the applicant is a corporate body, give the country/state of its incorporation:

.....
.....
.....

3. ADDITIONAL INFORMATION

Additional Information is contained in Supplemental Box* (at annex).

Yes

4. INVENTOR

(a) Applicant is the inventor

Yes No

(b) If the applicant is not the inventor:

Name _____ of

inventor:.....

..... Address _____ of

inventor:.....

..... A statement justifying the applicant's right to the patent is enclosed.

Yes

No

(c) The inventor does not wish to be named in the patent in accordance with section 13(6) of the Patents, Industrial Designs and Trademarks Act 2002.

A declaration to that effect is enclosed OR will be filed by..... (date)

5. AGENT (if you have one)

Name _____ of _____ agent

.....

..... "Address for service" in Mauritius to which all correspondence should be sent

.....

.....

.....

Name and telephone number of person to contact in Mauritius

.....

.....

6. PRIORITY CLAIM (if any)

The priority of an earlier application is claimed as follows:

Country (if the earlier application is a regional or international application, indicate the office with which it is filed)

.....
.....Filing date:.....
Application Number:.....

The priority of more than one earlier application is claimed: Yes No
The data are indicated in the supplemental box* (at annex)
The certified copy of the earlier application is enclosed: Yes No
If No, it will be furnished by..... (date)

7. DIVISIONAL APPLICATION

Filing date..... Priority
date

The benefit of the initial application is claimed in as much as the subject-matter of the present application is contained in the initial application identified below

Initial	Application	No.
.....
.....

Date of filing of initial application:.....
.....

8. DISCLOSURES TO BE DISREGARDED FOR PRIOR ART PURPOSES:

- (a) Disclosure was due to acts of applicant or his predecessor in title
Date of disclosure:
- (b) Disclosure was due to abuse or rights of applicant or his predecessor in title
Date of disclosure:.....

A statement specifying full particulars of the disclosure accompanies this Form



Yes

No

If No, the statement should be filed **within one** month from the filing of the application.

9. 9. Enter the number of sheets for any of the following items you are filing with this form. Do not count copies of the same document

Continuation sheets of this form:-

Description

Claim(s)

Abstract

Drawing(s)

10. 10. If you are filing any of the following, state 'how many against each item.

Priority documents

Translations of priority documents

Statement of inventorship and right to grant a patent

Result of search and examination

Any other documents (please specify)

.....

.....

11. 11.

Signature:.....

(Date)

(**Applican

*Use this box for any additional information to be furnished

**Delete whichever is not applicable.

SUPPLEMENTAL BOX

THIRD SCHEDULE

(Regulation 22)

**THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS**

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

DECLARATION OF WITHDRAWAL OF APPLICATION

To: The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade & Cooperation
Port Louis

_____ Please submit this Form (in duplicate)

Applicant's or Agent's file reference:

_____ **1.** Patent Application No:

Filing Date:

Other documents
(identify):.....
.....

2. APPLICANT(S):

Name
.....
.....
.....
.....

Address
.....
.....
.....
.....

3. DECLARATION:

*I/We declare that the above-identified application be withdrawn under section 14(7) of the Patents, Industrial Designs and **Trademarks** Act 2002.

4.

SIGNA

TURE.....

(Date)

*(Applicant/Agent)

*Delete whichever is not applicable

FOURTH SCHEDULE
(regulation 23)
THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

REQUEST TO AMEND APPLICATION FOR GRANT OF A PATENT

To: The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade & Cooperation
Port Louis

Applicant's or Agent's file reference

..... 1. Patent Application

No:.....Filing

Date:.....

Other documents

(identify):.....

.....

2. PERSON(S) MAKING REQUEST:

Name:

.....
.....
.....

Address:

.....
.....
.....

Telephone Number
(if any)

Fax Number
(if any)

E-mail
(if any)

.....
.....

3. What kind of amendment or correction do you want to make?

- - Clerical error
- - Obvious mistake
- - Amendment of specification

4. What is the amendment or correction you want to make?

(continue on a separate sheet of paper if necessary)

5. What is the reason for the request?

(continue on a separate sheet of paper if necessary)

6. REQUEST:

The above-named person/s request(s) the Controller to amend the above application for the grant of a Patent in accordance with section 15(2) of the Patents, Industrial Designs and **Trademarks** Act 2002.

7. **AGENT** (if you have one)

Name _____ of _____

Agent:.....

.....

"Address for service" in Mauritius to which all correspondence should be sent

.....

.....

.....

.....

8. **ADDITIONAL INFORMATION** accomp[]es this Fc[]:

Yes

No

9. Name and telephone number of person to contact in Mauritius

Name:.....

.....

Telephone number:

10.

SIGNATURE.....

(Date)

*(Appli

*Delete whichever is not applicable

FIFTH SCHEDULE

(regulation 25(3))

**THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS**

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

CORRECTION OF ERRORS

To: Name of
Applicant:.....
..... Address of Applicant
.....
.....

**Applicant's or Agent's file
reference.....**

**1. Patent Application
No.....**

**2. In accordance with Section 18 of the
Patents, Industrial Designs and Trademarks Act 2002, the Controller hereby notifies the
applicant (s) that the following requirement(s) have not been fulfilled with respect to the
above identified application:**

.....
.....
.....
.....
.....

-
.....
-
3. The Applicant(s) is/are invited to:
- - submit any observations
 - - file the required corrections
 - - file the missing drawings
- within 2 months from the date of this notification
-

SIGNATURE:

The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade & Cooperation
Port Louis
Date:.....

SIXTH SCHEDULE

(regulation 27(1))

**THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS**

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

**RECORD OF THE PATENT UNDER SECTION 20(3) OF THE PATENTS, INDUSTRIAL
DESIGNS AND TRADEMARKS ACT 2002**

PATENT granted by The Industrial Property Office

Industrial Property Office	(11) Publication Number:
	(45) Publication Date: (
	(51) International Patent Classification:
(21) Application Number:	(73) Applicants:
(22) Filing Date:	(72) Inventor(s):
(24) Date of grant:	
(31) Priority Number:	(74) Attorney/Agent/Representative
(32) Priority Date:	
(33) Priority State:	

(54) Title:

(57) Abstract:

INID CODES (International agreed Numbers for the Identification of Data)

- (11) Publication Number
- (21) Application Number
- (22) Date of filing of the application
- (24) Date of grant
- (31) Number assigned to priority application
- (32) Date of filing of priority application
- (33) Country in which priority application was filed
- (45) Date of publication
- (51) International Patent classification

- (54) Title of the invention
- (57) Abstract
- (72) Name of inventors
- (73) Name of applicants
- (74) Name of Attorney/Agent

SEVENTH SCHEDULE
(regulation 27(3))

THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002
CERTIFICATE OF GRANT OF PATENT

In accordance with section 20 (3)(b) of the Patents, Industrial Designs and **Trademarks** Act 2002, it is hereby certified that a patent having the numberhas been granted to:

Name:.....
.....
.....

Address:.....
.....
.....
.....

..... on in respect of an invention disclosed in an application for that patent having the following:

Filing
date:.....
.....

Priority

date:.....

.....

being an invention
for.....

.....

.....

.....

(title)

.....

Signature.....

Date

The Controller

Industrial Property Office

Ministry of Foreign Affairs, International Trade & Co-orporation

Port Louis

Republic of Mauritius

EIGHTH SCHEDULE

(Regulation 28)

THE INDUSTRIAL PROPERTY OFFICE

REPUBLIC OF MAURITIUS

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

REQUEST TO AMEND PATENT

To: The Controller

Industrial Property Office

Ministry of Foreign Affairs, International Trade & Cooperation

Port Louis

Please submit this Form (in duplicate) together with the fee as specified in the First Schedule of the Patents, Industrial Designs and **Trademarks** Act 2002

Applicant's or Agent's file reference:.....

1. Patent No:.....Date of Grant.....

2. **OWNER(S):**

Name:.....

.....

Address.....

.....

.....

.....

3. **SUPPORTING DOCUMENTS:**

Documents are enclosed

Documents will be submitted

by..... (date)

4. **REQUEST:**

The owner(s) request(s) the Controller to amend, as attached, the above-identified patent in accordance with section 20(4) of the Patents, Industrial Designs and **Trademarks** Act 2002.

5. **REASON FOR REQUEST:**

(a) (a) Correction of clerical error

(b) (b) Correction of obvious mistake

(c) Correction of Text/Drawings

6. ADDITIONAL INFORMATION accompanies this Form:

Yes

No

7.

SIGNATURE.....

(Date)

*(Applicant/Agent)

* Delete whichever is not applicable.

NINTH SCHEDULE

(regulation 34)

THE INDUSTRIAL PROPERTY OFFICE

REPUBLIC OF MAURITIUS

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

APPLICATION FOR REGISTRATION OF INDUSTRIAL DESIGN

To: The Controller

Industrial Property Office

Ministry of Foreign Affairs, International Trade & Cooperation

(a) (a) Applicant is the creator: s

(b) (b) If the applicant is not the Creator:
Name of
Creator:.....

Address of
Creator:.....

A statement justifying the applicant's right to the design is enclosed: Yes N

(c) The Creator does not wish to be named in the Certificate of registration of the Industrial Design in accordance with section 29(6) of the Patents, Industrial Designs and **Trademarks** Act 2002.

A declaration to that effect is enclosed
OR will be filed
by.....(date)

3. AGENT

Name of agent (if you have one)

.....
"Address for service" in Mauritius to which all correspondence should be sent.....

.....
Name and telephone number of person to contact in Mauritius.....

.....
.....

**4. REPRESENTATIONS OF THE INDUSTRIAL DESIGN;
SPECIMEN**

This Form is accompanied by

- four graphic representations
 - four drawings or tracings
 - a specimen of the industrial design
-

5. PRODUCTS

The list of products which constitute the Industrial Design or in relation to which the industrial design(s) is/are to be used.

Class Number	List of
Products**	
.....	
.....	
.....	
.....	
.....	
.....	

6. DISCLOSURES TO BE DISREGARDED FOR PRIOR ART PURPOSES:

- (a) Disclosure was due to acts *of* applicant *or* his predecessor in title
Date of disclosure.....
- (b) Disclosure was due to abuse *or* rights of applicant or his predecessor in title
Date of disclosure.....

A statement specifying full particulars of disclosure accompanies this FORM:

Yes No

If 'No', the statement should be filed **within one month** from the filing of the application.

7. PRIORITY CLAIM (if any)

The priority *of* an earlier application is claimed as follows:

Country (if the earlier application is a regional or international application, indicate the office with which it is filed)

.....

..... **Filing date**.....

Application Number.....

The priority of more than one earlier application is claimed: Yes or

The data are indicated in the supplemental box * (at annex)

The certified copy of the earlier application

accompanies this Form

will be furnished within three months *of* the filing of this Form

8. SUPPLEMENTAL BOX* (at annex)

Additional information is contained in Supplemental box: Yes No

9. DEFERMENT OF PUBLICATION

Deferment of publication (under section 37 *of* the Act) till.....(date)

10. Date:

SIGNATURE:.....

**(Applicant/Agent)

* Use this Box for any additional information to be furnished

** Use additional sheets whenever necessary

*** Delete whichever is not applicable.

Annex

SUPPLEMENTAL BOX

TENTH SCHEDULE

(regulation 38)

**THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS**

**THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002
DECLARATION FOR WITHDRAWAL OF APPLICATION**

To: The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade & Cooperation
Port Louis

1. **1.** *I/We
.....
.....
of.....
.....
..... hereby
request the Controller to withdraw *my/our Application
No.....dated.....for the registration of the industrial
design mentioned therein

in respect of all. the products

of products listed at annex

-
OR

2. *My/Our address for service in Mauritius is as follows:

.....
.....
.....

3. Name and address of *my/our *Agent/Attorney:

.....
.....
.....

Date:.....

Signature:.....

(Applicant/ Agent)

*Delete whichever is not applicable.

ELEVENTH SCHEDULE

(regulation 40)

THE INDUSTRIAL PROPERTY OFFICE

REPUBLIC OF MAURITIUS

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

CERTIFICATE OF REGISTRATION OF INDUSTRIAL DESIGN

In accordance with section 31 of the Patents, Industrial Designs and **Trademarks** Act 2002, it is hereby certified that an industrial design having the registration No.....has been registered in the name of

Name:.....

.....

Address.....

.....

.....

.....

on.....20.....

in respect of an industrial design disclosed in an application for registration of that, industrial design, having a :

Filing Date:.....

Priority date:.....

Being an industrial design for:

Class Number

List of

Products

.....

.....

.....

.....

created by:

Name:.....

.....

Address.....

.....

.....

.....

A copy of the reproduction of the industrial design

[.....] is affixed hereto

[.....] accompanies this Certificate

Dated this.....day of.....20

.....

Signature.....

The Controller

Industrial Property Office

Ministry of Foreign Affairs,

International Trade & Cooperation

Port Louis

Republic of Mauritius

TWELFTH SCHEDULE

(regulation 41(1))

THE INDUSTRIAL PROPERTY OFFICE

REPUBLIC OF MAURITIUS

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002
APPLICATION TO RENEW REGISTRATION OF AN INDUSTRIAL DESIGN

To
The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade and Co-operation
Port Louis

1.

*I/We.....

.....

of.....

.....

hereby apply for renewal of the registration of an Industrial Design No registered in Class..... which I am directed by the registered proprietor of the industrial design to apply*.

2. The prescribed fee for renewal of registration is enclosed herewith

.....

.....

Date

Signature

The following statement must be filled in and signed:

The Controller is requested to send certificate of renewal of the registration to *me/the registered proprietor at the following address:

Name.....

.....

Address.....

.....

.....

.....

.....
.....

Date
Signature

* Delete if not applicable

THIRTEENTH SCHEDULE
(regulation 41(6))

THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

CERTIFICATE OF RENEWAL OF REGISTRATION OF INDUSTRIAL DESIGN

INDUSTRIAL DESIGN

NO.....

.....

To:
.....
.....

I HEREBY CERTIFY that under the provisions of the Patents, Industrial Designs and **Trademarks** Act 2002, the registration of the above numbered INDUSTRIAL DESIGN has been renewed in your name as proprietor of the said industrial design for a period of 5 years as from.....

The next renewal is due
on.....
.....

Dated this.....day
of.....20.....

Signature:.....

The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade and Cooperation
Port Louis
Republic of Mauritius

Representation of Industrial Design

FOURTEENTH SCHEDULE
(regulation 43(1))

THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

APPLICATION FOR REGISTRATION OF A MARK

To: The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade and Cooperation
Port Louis

Please submit this Form (in triplicate) together with the fee as specified in the First Schedule to the Patents, Industrial Designs and **Trademarks** Act 2002

Applicant's or Agent's File reference :

.....

1. Representation of the Mark

2. If the mark is not a word or a picture indicate here (for example 3-dimensional)

.....

.....

Indicate Title/Correct Identification of the mark.....

3. Claim

If colour is claimed, indicate here and state the colour(s).....
.....
.....

4. International Classification of the figurative elements of Marks

FOR OFFICIAL USE (VIENNA CLASSIFICATION) CFE:.....
--

5. Types of Marks

Indicate if this application is for:

- (a) a **trademark**

- (b) a service mark or

- (c) a collective mark*

6. Priority Claim (if any)

The priority of an earlier application is claimed as follows:

Country (if the earlier application is a regional or international application, indicate the office with which it is filed)
.....
.....

Filing date:.....

Application

Number:.....

The priority of more than one earlier application is claimed: Yes
 No

The data are indicated in the supplemental box** (at annex)

The certified copy of the earlier application is enclosed: Yes
 No

If No, it will be furnished by.....(date)

7. Limitation/Disclaimer

Indicate any limitation or disclaimer.....

8. APPLICANT(S) (the data concerning each applicant must appear in this box or, if the space is insufficient, in the supplemental box** - at annex).

FULL NAME OF EACH APPLICANT (Underline surnames)	ADDRESS/TELEPHONE/FAX/E-MAIL	NATIONALITY	RESIDENCE

If the applicant is a corporate body, give country and, if applicable, State of incorporation

9. Specification of Goods/Services (according to the Nice Classification)

If the space provided for the specification of goods/services is insufficient then please continue on separate sheets. List the classes in consecutive numerical order and list alongside each class the goods or services appropriate to that class.

Class number	List of goods/services

10. AGENT

Name of agent (if you have one)

.....

.....

"Address for service" in Mauritius to which all correspondence should be sent.....

.....

.....

.....

.....

Name and telephone number of person to contact in Mauritius

.....

.....

11. Date:.....

Signature:.....

*** (Applicant/Agent)

* The Regulations governing the use of the Collective Mark are attached.

** Use this box for any additional information to be furnished.

*** Delete whichever is not applicable.

SUPPLEMENTAL BOX

Ann

FIFTEENTH SCHEDULE

(regulation 47)

**THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS**

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002
DECLARATION FOR WITHDRAWAL OF APPLICATION

To: The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade and Cooperation
Port Louis

1. *I/We

.....
.....
of.....
.....
.....
.....

hereby request the Controller to withdraw *my/our Application No:
.....dated.....
.....for the registration of a *mark/ collective mark
mentioned therein.

2. *My/Our address for service in Mauritius is as follows:

.....
.....
.....

3. Name and address of *my/our *Agent/Attorney:

.....
.....
.....

Date:.....

Signature:.....

*(Applicant/Agent)

*Delete whichever is not applicable.

SIXTEENTH SCHEDULE

(regulation 53)

THE INDUSTRIAL PROPERTY OFFICE

REPUBLIC OF MAURITIUS

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

CERTIFICATE OF REGISTRATION OF A MARK

REPRESENTATION OF MARK/COLLECTIVE MARK

Registration No:

To:

.....

.....

.....
.....
of.....
.....
.....
.....

I HEREBY CERTIFY that under the provisions of the Patents, Industrial Designs and **Trademarks** Act 2002, the above-numbered mark (trade/ service/ collective mark) has been registered in your name as proprietor of the said mark in the Register of Marks/Collective Marks as from.....in Class/es(goods/services as listed in Annex).

A representation of the mark is affixed hereto [] ; accompanies this certificate []
The validity of the mark is for 10 years and shall expire on.....

Dated this.....day
of.....20.....

Signature:.....

The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade and Cooperation
Port Louis
Republic of Mauritius

_____The registration of the above mark may be renewed at the expiration of each period of 10 years

SEVENTEENTH SCHEDULE
(regulation 54)

**THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS**

**THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002
APPLICATION TO RENEW REGISTRATION OF A MARK**

The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade and Cooperation
Port Louis

1. 1.
*I/We.....
.....of.....
.....hereby
apply for renewal of the registration of Mark/Collective Mark
No..... registered in
Class/es.....which I am directed by the registered proprietor
of the mark to apply*.

2. The prescribed fee for renewal of registration is enclosed herewith.

Date:.....

Signature:.....

The following statement must be filled in and signed

The Controller is requested to send certificate of renewal of the registration to *me/the
registered proprietor at the following address:

Name:

.....
.....

.....
.....
Address:.....
.....
.....
Date:.....
Signature:.....

* Delete whichever is not applicable

EIGHTEENTH SCHEDULE

(regulation 54(7))

**THE INDUSTRIAL PROPERTY OFFICE
REPUBLIC OF MAURITIUS**

THE PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS ACT 2002

CERTIFICATE OF RENEWAL OF REGISTRATION OF A MARK

MARK/COLLECTIVE MARK No:.....
To:
.....
.....

.....

I HEREBY CERTIFY that under the provisions of the Patents, Industrial Designs and **Trademarks** Act 2002, the registration of the above-numbered mark/collective mark has been renewed in your name as proprietor of the said mark/collective mark for a period of 10 years as from.....

Class Number	List of goods/services
.....
.....
.....
.....
.....
.....

The next renewal is due on.....

.....
Dated thisday
of..... 20

.....

Signature

The Controller
Industrial Property Office
Ministry of Foreign Affairs, International Trade and Cooperation
Port Louis
Republic of Mauritius

Related documents: